

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

INTERPLAN ARCHITECTS, INC.,

Plaintiff,

v.

**C.L. THOMAS, INC., MORRIS AND
ASSOCIATES, ENGINEERS, INC.,
and HERMES ARCHITECTS,**

Defendants.

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Civil Action No. 4:08–cv–03181

ORDER

Pending before the Court is the Motion for Discovery Sanctions against Defendant C.L. Thomas, Inc. (“C.L. Thomas”) of Plaintiff Interplan Architects, Inc. (“Interplan”) (Doc. No. 114). After considering the Motion, all responses and replies thereto, and the oral arguments of counsel, the Court grants relief as follows:

Interplan will be permitted to conduct an additional deposition of Jeff Johanson regarding the corporate and financial relationship between Speedy Stop Stores, LLC and C.L. Thomas. This deposition will not exceed four hours in length, and should take place within ten (10) days of entry of this Order. To the extent that Jeff Johanson is not competent to testify as to this information, C.L. Thomas shall produce a witness who can competently testify as to this matter, who will be deposed according to the conditions above.

Interplan will also be permitted to identify for C. L. Thomas the precise nature of the underlying financial documents that it believes were not made available to it prior to the close of discovery in compliance with this Court’s previous order (Doc. No. 93) and

Federal Rule of Evidence 1006. To the extent that it possesses the identified documents, C.L. Thomas will make such documents available for inspection, in addition to the documents which have already been offered, within five (5) days of being so notified by Interplan.

Within ten (10) business days of the date of the additional deposition discussed above, Interplan shall be permitted to file a supplemental brief, discussing only the relationship between Speedy Stop Stores LLC and C.L. Thomas and the issue of deductible expenses under 17 U.S.C. § 504(b). C.L. Thomas will then have ten (10) business days to respond to this supplemental briefing. Both briefs shall be limited to fifteen (15) pages in length.

Trial in this matter shall be continued until November 8, 2010. All pre-trial documents shall be due on November 1, 2010.

IT IS SO ORDERED.

SIGNED this 5th day of May, 2010



KEITH P. ELLISON
UNITED STATES DISTRICT JUDGE